

STATE OF MAINE

Kennebec, ss.

Board of Overseers of the Bar  
Grievance Commission  
File No. 93-K-125

BOARD OF OVERSEERS OF THE BAR,

Petitioner

vs.

REPORT OF PROCEEDINGS,  
FINDINGS, CONCLUSIONS  
AND DISPOSITION

JOHN M. WHALEN, ESQ.,  
of Lewiston, Maine

Respondent

On December 5, 1995, Panel E of the Grievance Commission conducted a public disciplinary hearing in this matter in the Probate Courtroom of the Cumberland County Courthouse in Portland, Maine. Panel E was comprised of Acting Chair Paula D. Silsby, Esq.; Roger S. Elliott, Esq. and Lois Wagner. There were no objections to the composition of the panel. The Board was represented by Assistant Bar Counsel, Karen G. Kingsley, Esq. and N. Paul Gauvreau, Esq., appeared for the Respondent, John M. Whalen.

The pleadings consisted of a petition filed by the Board and a response filed by the Respondent. Board Exhibits 1 through 21 were admitted without objection. Respondent's Exhibits 1 through 20 were admitted without objection. The witnesses were Respondent; Pamela Fleer; Tracy Barger, Esq.; Peter C. Fessenden, Esq.; and George A. Roberge.

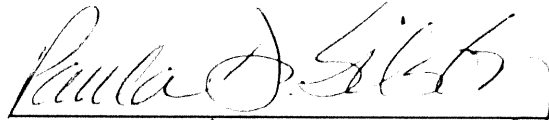
FINDINGS OF FACT

1. Respondent John M. Whalen, Esq. was at all relevant times hereto an attorney duly admitted to and engaging in the practice of law in the State of Maine with an office in Lewiston, Maine.

2. Based upon the record of all exhibits and testimony received at the hearing, the panel finds that there have been one or more violations of the Maine Bar Rules by the Respondent and finds that there is probable cause for a suspension or disbarment of the Respondent and hereby directs Bar Counsel to commence an attorney disciplinary action by filing an information with the Court pursuant to Bar Rule 7.2(b).

Because this matter will be heard and determined *de novo* by the Court, it is for the Court therein and not the Grievance Commission to ultimately determine which particular Bar Rules have been violated.

Dated: December 6, 1995

  
Paula D. Silsby, Acting Chair  
For Panel E